

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 8:00CR358
Plaintiff,)
)
)
v.)
)
 ORDER
ALFRED D. ROGERS,)
)
)
Defendant.)
)

This matter is before the court on defendant's Motion to Reduce Sentence under the 2011 Crack Cocaine Guidelines. Filing No. 204. Subsequent to the filing of the motion, the court ordered the Federal Public Defendant to represent the defendant on this issue. Filing No. 205. Thereafter, counsel for the defendant moved to withdraw on the basis that defendant was sentenced to the applicable mandatory minimum sentence, and thus not entitled to relief. Filing No. 206. The court granted counsel's motion to withdraw. Filing No. 207. On January 10, 2012, the court entered an order giving the defendant until February 10, 2012, to show this court why his motion should not be dismissed. Filing No. 208. On February 3, 2012, defendant file his response, titled "Motion to Vacate Court's Order and Show Cause Why Defendant's Motion Should Not be Dismissed." Filing No. 209. After a review of the matter, the court finds that defendant's motion to reduce his sentence under the 2011 crack cocaine guidelines, Filing No. 204, and Motion to Vacate Court's Order and Show Cause Why Defendant's Motion Should Not be Dismissed, Filing No. 209, are without merit and should be dismissed.

IT IS ORDERED:

1. The defendant's Motion to Reduce Sentence under the 2011 Crack Cocaine Guidelines, Filing No. 204, and Motion to Vacate Court's Order and Show Cause Why Defendant's Motion Should Not be Dismissed, Filing No. 209, are denied.
2. The Clerk of Court shall mail a copy of this order to the defendant at his last known address.

DATED this 6th day of February, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge